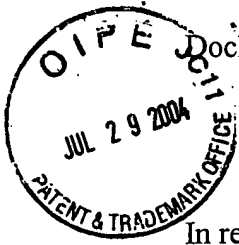


08-02-04

ITWAF

PATENT 1631



Docket No.: 066661-0028

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of

Ideker et al.

Serial No.: 09/823,850

Filed: March 30, 2001

Customer Number: 41552

Confirmation Number: 7007

Group Art Unit: 1631

Examiner: M. Zeman

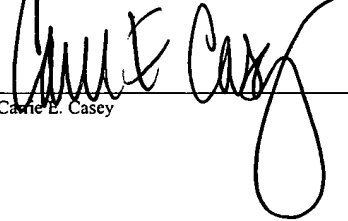
For: TESTING FOR DIFFERENTIALLY-EXPRESSED GENES BY MAXIMUM  
LIKELIHOOD ANALYSIS OF MICROARRAY DATA

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

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1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2004.

  
Carrie E. Casey

**NOTICE OF APPEAL  
FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Appeals from the decision dated January 29,  
2004, of the Primary Examiner finally rejecting claims 1-85.

08/03/2004 HALI11 00000002 502624 09823850

01 FC:2401 165.00 DA

Serial No. 09/823,850

Appeal Fee: \$165.00

☒ Charge to Deposit Account No. 502624.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "D.A. Gay", written over the printed name.

David A. Gay

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San Diego, CA 92122

858.535.9001 DAG:cec

Facsimile: 858.597.1585

**Date: July 29, 2004**

SDO 12840-1.066661.0028